

# **EXHIBIT A**

## **(II of V)**

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1 you couldn't answer the questions, then they would have  
2 to conclude that you were discriminating?

3 A. The tone of voice was very accusatory, and  
4 it left no doubt in my mind, even in my impaired state  
5 sitting there medicated, that she had made her mind up.  
6 Right from the get-go of this inquisition, Ms. Bowden's  
7 mind was made up. There was nothing I was going to say  
8 that was going to change her mind.

9 Q. Apart from the tone of voice that she used,  
10 was there anything improper in her telling you that if  
11 you couldn't answer the questions they were going to  
12 have to conclude that you were, in fact, discriminating?

13 A. One more time? You're losing me on that  
14 question.

15 Q. Other than the tone of voice that  
16 Ms. Bowden used, was there anything improper about her  
17 telling you that if you couldn't answer the questions,  
18 they were going to have to conclude that you were  
19 discriminating?

20 A. Yes. I think it was improper. She came in  
21 with scripted -- with a scripted agenda. I came in  
22 stone cold. So I've already -- we're repeating  
23 ourselves here. I thought it was very improper.

24 She had a prearranged agenda, a scripted

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1 list of questions. I'm coming in stone cold with no  
2 warning. I tried to contact her to get some idea what  
3 the purpose -- with no response. And I come in stone  
4 cold, not proper.

5 Q. Apart from her tone of voice and the lack  
6 of advance notice, was there anything improper about her  
7 asking you or telling you if you couldn't answer the  
8 questions they were going to have to conclude that you  
9 were discriminating?

10 MR. TEAGUE: Objection. He's asked and  
11 answered this. He's already testified to this. I don't  
12 know what else he can --

13 A. I think it was improper to be putting  
14 somebody through an inquisition who's trying to do a  
15 decent day's work even though under medication that a  
16 lot of people might have not even been at work that  
17 day. I thought the whole thing was improper.

18 Q. Okay. I'm not asking about the whole  
19 thing. I'm asking about her telling you that if you  
20 couldn't answer the questions, they were going to have  
21 to conclude that you were discriminating. That's the  
22 only part of the meeting I'm asking you about right  
23 now.

24 You indicated in response to earlier

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1 questions about that statement that you felt it was  
2 improper because of the tone of voice that she used and  
3 the lack of advance notice. Apart from those two issues  
4 -- and, again, I'm just dealing with that statement --  
5 is there anything else that was improper about her  
6 saying that to you?

7 MR. TEAGUE: I object to the form of the  
8 question because it doesn't accurately summarize his  
9 testimony. You may answer it as best you can.

10 A. You've got to ask it one more time.

11 Q. Okay. You indicated -- and correct me if  
12 I'm wrong -- that you felt it was improper for  
13 Ms. Bowden to tell you that if you couldn't answer the  
14 questions they were going to have to conclude that you  
15 were, in fact, discriminating; isn't that correct?

16 A. Correct.

17 Q. And you indicated that one reason you felt  
18 that that was improper was because she didn't give you  
19 advance notice so that you could prepare for the  
20 meeting; is that correct?

21 A. Correct.

22 Q. And you felt that another reason it was  
23 improper was because of the accusatory tone that she  
24 used when she was talking with you; is that correct?

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1 A. Yes.

2 Q. What I'm asking you is whether there were  
3 any other reasons why it was improper for her to say  
4 that statement to you at this meeting?

5 A. Yes. I think it's improper to take as  
6 gospel allegations made by this Ms. Leaton, who was  
7 nearing the end of her six-month contract which was not  
8 going to be renewed, probably for good cause, and who  
9 had had other dealings, arguments, other disputes with  
10 other hiring managers -- to give credence to somebody  
11 like that versus a long-time 28-year railroad employee  
12 who has done thousands of resumes, thousands of  
13 interviews, been rated above average four years in a  
14 row, exceeded a 30 percent guideline for hiring females  
15 and minorities. That was improper, no matter how you  
16 slice it.

17 Q. So just so that I understand, another  
18 reason why you're giving for it being improper for  
19 Ms. Bowden to tell you that if you couldn't answer the  
20 questions they were going to have to conclude that you  
21 were discriminating was that you don't think Ms. Bowden  
22 should have given credence to Alison Leaton's  
23 allegations to begin with, and also you felt like your  
24 hiring record demonstrated that you weren't

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1 discriminating; is that correct?

2 A. Correct.

3 Q. Apart from those reasons, are there any  
4 other reasons why you felt it was inappropriate for  
5 Ms. Bowden to tell you if you couldn't answer the  
6 questions they were going to have to conclude that you  
7 were discriminating?

8 A. Yeah. I think it was improper. They could  
9 have asked if I was under any medication. Obviously I  
10 wasn't acting my normal self like I normally would. I  
11 wasn't totally in control of my faculties. I was  
12 heavily medicated. The medication slows your entire  
13 metabolism down.

14 Q. So you're adding another reason why it was  
15 inappropriate for her to even ask that question or even  
16 make that statement to you was because she should have  
17 asked you if you were under medication; is that correct?

18 A. Yes.

19 Q. Are there any other reasons why you think  
20 it was inappropriate for her to make that comment to  
21 you?

22 A. Not that I can recall right now.

23 Q. Now, you indicated that you believe  
24 Ms. Bowden had made up her mind that you were

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1 discriminating before the meeting because of certain  
2 issues raised by Chuck Turner; is that correct?

3 A. Repeat that one?

4 Q. Is one of the reasons why you believe  
5 Ms. Bowden had made up her mind before this meeting that  
6 you were discriminating was because of concerns raised  
7 by Chuck Turner?

8 A. Yes.

9 Q. And what was it about those concerns that  
10 made you think that Ms. Bowden had made her mind up  
11 before the meeting?

12 A. I believe that Ms. Bowden was looking for a  
13 convenient scapegoat to remove the heat from her and  
14 Ms. Leaton and to satisfy City Councilor Chuck Turner.  
15 And I believe I was being set up to be a convenient  
16 scapegoat for all of MBCR's lack of diversity in  
17 hiring.

18 Q. Tell me each reason why you think you were  
19 being set up as a scapegoat.

20 A. That's my firm belief. I cannot prove it.

21 Q. I'm asking you for each reason why you  
22 believe it.

23 A. Well, because Bowden wasn't going to take  
24 the heat. She went to Leaton. She wasn't going to take

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1 the heat. So who better to throw under the bus than --  
2 I was in the wrong place at the wrong time, apparently.

3 Q. But what makes you think that Ms. Bowden  
4 was even under any heat, as you put it?

5 A. As I said earlier, I'm not sure of the  
6 exact time frame. But I now believe subsequent events  
7 -- I believe that it was in this time frame that  
8 Ms. Bowden was under this pressure. I understand that  
9 she got lambasted at this meeting with Chuck Turner.

10 Q. You're not sure when this meeting  
11 occurred?

12 A. No.

13 Q. You're not sure if this meeting occurred  
14 after your termination?

15 A. My understanding is it took place before.

16 Q. And what do you base that understanding  
17 on?

18 A. I heard through the grapevine very shortly  
19 after I was terminated that such a meeting had taken  
20 place.

21 Q. But you can't recall who told you that?

22 A. No.

23 Q. And you can't recall whether -- what they  
24 said about the meeting other than what you testified; is



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1           that correct?

2                   A.    Correct.  But I heard it from more than one  
3                   source.  That I can remember.  It was multiple sources.

4                   Q.    But you can't recall anyone in particular  
5                   who told you this?

6                   A.    No.

7                   Q.    And what makes you think that it was  
8                   inappropriate for Ms. Bowden to believe Alison Leaton  
9                   instead of you as to whether or not you were  
10                  discriminating?

11                  A.    Well, Ms. Leaton's contract was up at the  
12                  end of the month of March so it was imminent she was  
13                  going to be unemployed.  That makes me suspicious of the  
14                  time.  These just weren't coincidences that happened.

15                        Ms. Leaton has had disputes and had  
16                  problems with other hiring managers.  Or I should say  
17                  there were disputes with the hiring managers.  There  
18                  seems to be a common thread here that Ms. Leaton had  
19                  problems with other hiring managers.

20                        When it comes to credibility, putting  
21                  Alison Leaton, her word, against a long-time railroad  
22                  employee, to me, Ms. Leaton doesn't have much  
23                  credibility.  To any reasonable observer, I don't  
24                  believe Ms. Leaton has much credibility.

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1 Clarify me if I'm wrong. The reasons why you think that  
2 it was inappropriate for Ms. Bowden to believe Alison  
3 Leaton instead of you was because of your long  
4 experience as an employee in the railroad industry  
5 versus Alison Leaton being on a short-term contract; is  
6 that correct?

7 A. Not quite. That wasn't quite my words.

8 Q. Okay.

9 A. Again, not just that. As I alluded to  
10 earlier, over the 26 years, I've looked at thousands of  
11 resumes, done thousands of interviews with Amtrak and  
12 always in the presence of HR -- never had a problem, was  
13 rated above average in valuing diversity, equal  
14 employment opportunity, affirmative action, hiring  
15 females in non-traditional roles.

16 One of the vacancies we were interviewing  
17 for during this time period was a female who resigned  
18 and left the railroad. So don't -- you know, you didn't  
19 quite paint an accurate picture. You base it on the  
20 entire career. You base it on that versus Ms. Leaton --  
21 it's apples and oranges when it comes to credibility.

22 Q. But you had only worked for Mass. Bay  
23 Commuter Rail for approximately nine months at this  
24 time; isn't that correct?

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1 A. Correct.

2 Q. And you had only known Ms. Bowden for  
3 approximately a year; isn't that correct?

4 A. Correct.

5 Q. And Ms. Bowden, to your knowledge, wasn't  
6 familiar with your previous employment history in  
7 hiring; is that correct?

8 A. It was lack of research. That's her  
9 problem and MBCR's, not mine. My record was out there.  
10 It was there to be scrutinized.

11 Q. But my question to you is: To your  
12 knowledge, Ms. Bowden was unaware of your previous track  
13 record in hiring; isn't that correct?

14 A. Yes.

15 Q. And you may have been working in the  
16 railroad industry many years, but you were only a new  
17 employee at MBCR; isn't that correct?

18 A. Correct.

19 Q. And when Ms. Bowden was trying to determine  
20 whether to believe Alison Leaton or whether to believe  
21 yourself, she was looking at an employee who had only  
22 worked for MBCR for nine months; isn't that correct?

23 A. Correct.

24 Q. Do you think Elizabeth Bowden was the

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1 person who was responsible for what you say was the lack  
2 of advance notice about the meeting on March 26th?

3 A. Yes.

4 Q. And on what basis do you make that  
5 statement?

6 A. I placed -- when I first became aware -- I  
7 placed a call the day before to her to inquire what the  
8 nature of this meeting was going to be so I could be  
9 better prepared. As I testified earlier, as usual, you  
10 never get her to respond. You get a voice mail or an  
11 answering machine.

12 Q. But you understood that the meeting was  
13 going to be discussing concerns about hiring in the  
14 track department; isn't that correct?

15 A. The e-mail she had sent the day previous,  
16 which I got the Thursday morning, said there was going  
17 to be a meeting to address concerns over hiring in the  
18 track department, I think.

19 Q. So you understood, going to this meeting,  
20 that you were going to be discussing concerns about  
21 hiring in the track department; isn't that correct?

22 A. But nowhere near the nature of the meeting  
23 as it degenerated, no. I had no idea -- inkling what  
24 was coming. No.

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1 A. Well, I don't think it was proper  
2 practice. But at MBCR -- you have to distinguish  
3 between normal HR practice and MBCR under this group  
4 practice. This is par for their course. That's how  
5 they treat people. That's how they did business.

6 Q. So, to your knowledge, had they had other  
7 investigations of other employees where they called  
8 those employees in without giving what you would  
9 consider to be advance notice?

10 A. I have no knowledge of that. I have no  
11 knowledge one way or the other.

12 Q. Okay. So you don't know if you were  
13 treated any differently from anybody else who was  
14 investigated by HR in terms of advance notice; is that  
15 correct?

16 A. I have no idea.

17 Q. Are there some situations where you think  
18 an employer would want to question an employee without  
19 giving the employee time to prepare an answer?

20 A. I don't know.

21 Q. And once you were at this meeting, they did  
22 explain the allegations that were against you; isn't  
23 that correct?

24 A. No, I wouldn't say it was explained. It

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1 -- degenerated, yes, I did understand that.

2 Q. While you were there, you understood that  
3 that was the allegation that was being made?

4 A. Yes.

5 Q. And you understood at the time of the  
6 meeting while you were in the room that Alison Leaton  
7 was making some link between race and where the person  
8 lived and their name; is that correct?

9 A. No. At the time I couldn't quite figure  
10 out and decipher what the hell I was being accused of.  
11 I was so shocked and sitting there in a daze, I didn't  
12 know what the hell they were saying. I didn't know what  
13 the hell they were accusing me of. And I just couldn't  
14 quite fathom why I was there and what the whole purpose  
15 of this thing was.

16 Q. But you came to understand during the  
17 meeting that you were there because they were -- Alison  
18 Leaton was accusing you of discriminating against black  
19 applicants?

20 A. Yes.

21 Q. And did you tell anybody at the meeting  
22 that you couldn't respond to any of the allegations  
23 because you were not feeling well?

24 A. I worked on the railroad over 28 years,

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1 never took a sick day. I've been here no matter how I  
2 felt. That's the kind of dedication I have, which was  
3 always rewarded and appreciated by prior employers till  
4 this cast of characters came in MBCR.

5 Q. So the answer to the question is?

6 A. Repeat the question.

7 Q. Did you ever tell anybody at the meeting  
8 that you couldn't answer the questions because you  
9 weren't -- respond to the accusations because you  
10 weren't feeling well?

11 A. I didn't know why -- I didn't understand  
12 why I was feeling that way. I didn't understand that  
13 until almost a month later when I had a follow up with  
14 my personal care physician and he changed the  
15 medication.

16 And I explained what I was feeling. And  
17 apparently it was side effects. It wasn't until early  
18 April, after I was terminated. Only then did I  
19 understand side effects. And he took me off the  
20 medication and changed it. And I was back to normal. I  
21 didn't understand what I was going through.

22 At the time of this session it was  
23 approximately one week after I started the medication.  
24 As far as I was concerned, it says it takes your body a

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1 while to adjust to any new medication. I'd never been  
2 on high blood pressure medication in my life. This was  
3 the first time.

4 I figured my body was adjusting. I didn't  
5 know what condition I was in at the time. And I didn't  
6 know till a month later or till the first week of April  
7 after I had been on the medication for more than a  
8 month. Once I was off it, then I understood what I had  
9 been experiencing.

10 Q. You know, you need to respond to the  
11 question. Did you tell anybody at the meeting that you  
12 couldn't answer the questions because you weren't  
13 feeling well?

14 A. No. I didn't understand what my state was.

15 Q. Okay. So you didn't tell anybody at the  
16 meeting that you couldn't answer the questions because  
17 you weren't feeling well --

18 A. No.

19 Q. -- is that correct? You didn't tell them?

20 A. That's correct.

21 Q. And what were the side effects of this  
22 medication that you were experiencing on March 26th at  
23 the time of the meeting?

24 A. Mental sluggishness. The medication acts



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1 to slow your entire metabolism, heart beat, pulse, blood  
2 pressure. It affects your mental capability, severe  
3 headaches, diarrhea, gas, problems digesting anything.  
4 That's the major ones.

5 Q. And when you say mental sluggishness, what  
6 did that mean? How did that affect your ability to hear  
7 what they were telling you at the meeting?

8 A. As I described, it was almost a surreal --  
9 like I was in a daze or a stupor sitting there. And I  
10 was able to do my routine day-to-day stuff and get by.  
11 But I was hit with this.

12 This was not routine. This was -- ended up  
13 being career threatening. I just -- I just couldn't  
14 deal with it. I didn't understand what the hell was  
15 going on. And I didn't have the mental capacity to -- I  
16 wasn't sharp enough to respond or to intelligently have  
17 a two-way discussion.

18 Q. And so the mental sluggishness that you say  
19 you were experiencing didn't affect your ability to do  
20 other aspects of your job at MBCR; is that correct?

21 A. I was doing routine stuff, the day-to-day  
22 stuff. I've been doing it for 28 years. I can get by,  
23 the routine stuff. I have enough experience. I could  
24 get by.

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1 But was I ready to deal with a major  
2 career-threatening series of circumstances and being  
3 bombarded with all these ridiculous accusations?  
4 Mentally I couldn't cope with that.

5 Q. And do you have anything -- any reason to  
6 believe that Ms. Bowden understood that you were  
7 experiencing these side effects of your medication at  
8 the time of the meeting?

9 A. No.

10 Q. Do you have any reason to believe or to  
11 conclude that Ms. Bowden's role in your termination was  
12 based on anything other than a belief on her part that  
13 you were discriminating?

14 A. I believe the nine-month marathon to get  
15 life insurance, my speaking out the truth about the 401K  
16 scam, I believe that had an impact on the decision to  
17 terminate me. There's no doubt in my mind.

18 Q. What was it about what Ms. Bowden did or  
19 said that leads you to conclude that her role in your  
20 termination was motivated by either the insurance issue  
21 or the 401K as opposed to her belief that you were  
22 discriminating?

23 A. I can't prove that. That's my belief. I  
24 cannot prove that --

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1 has discriminated against black applicants?

2 A. Yes, it is improper because I don't  
3 discriminate against black or minority applicants. I  
4 try to select above average candidates. That resume was  
5 a blow average candidate, period.

6 Q. I'm not talking about you. You're still  
7 not responding to the question. Is there something --

8 MR. TEAGUE: Let me -- do you want to take  
9 a break for five minutes? Or we'll be here all day --

10 MS. RUBIN: Okay.

11 MR. TEAGUE: -- going back and forth.

12 MS. RUBIN: Sure.

13 (Recess.)

14 BY MS. RUBIN:

15 Q. Before the break I had asked you a question,  
16 and I'm going to ask it again or words to that effect.  
17 Assuming that Elizabeth Bowden, head of HR for MBCR,  
18 determined that an employee was discriminating against  
19 black applicants, is there anything improper about her  
20 terminating an employee based on that belief?

21 A. I can't believe that any competent human  
22 resource person would base such a decision on such  
23 ridiculous evidence as a resume and where the guy  
24 allegedly lives. It's absurd. No competent HR person,

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1 without checking with any of my co-workers what my  
2 history was -- as we said, the entire work force came  
3 over. People who had been working with me for 18 years  
4 on commuter rail, some 25 years on Amtrak. No competent  
5 HR person would make that decision based on such flimsy,  
6 ridiculous evidence.

7 Q. I'm not talking about you. Okay? I'm  
8 talking about in general. If an HR manager were to  
9 determine that one of her employees was discriminating  
10 against black applicants, is there anything improper  
11 about recommending the termination of that employee on  
12 that basis?

13 MR. TEAGUE: You mean as an abstract  
14 proposition?

15 MS. RUBIN: Correct.

16 A. One more time?

17 Q. Is there anything improper about an HR  
18 manager recommending the termination of an employee  
19 where that HR manager believed that that employee has  
20 discriminated against black applicants?

21 A. I think you have to have more than belief.  
22 You have to have real solid proof, more than Alison  
23 Leaton's opinion that what I looked at a resume. I  
24 don't think that was proper belief.

1 Q. Apart from Mr. Urban's participation in the  
2 two meetings and the manner in which he escorted you to  
3 your office and then escorted you to the vehicle, is  
4 there any other way that you feel he wrongfully  
5 interfered with your employment relationship with MBCR?

6 A. Yes, by his -- by his recommendation, as  
7 testified to, that he voted in the kangaroo court that I  
8 should be terminated. So by his own testimony -- so,  
9 yes, he did have an impact.

10 Q. Okay. Apart from his -- Mr. Urban's  
11 participation in the two meetings, the manner in which  
12 he escorted you to the office and then to the vehicle  
13 and the recommendation for your termination, is there  
14 any other way that you think Mr. Urban wrongfully  
15 interfered with your employment relationship at MBCR?

16 A. Yes. By giving credence to these  
17 ridiculous allegations made by Alison Leaton and going  
18 along for the ride, I think he did. Yes, he did.

19 Q. Okay. So the question is -- I'm looking  
20 for each and every way that you believe Mr. Urban  
21 wrongfully interfered with your employment relationship  
22 with MBCR. You named four things: The participation in  
23 the two meetings, the manner in which he escorted you to  
24 your office and then to the car, the recommendation that

1 he voted for your termination, and by giving credence to  
2 Alison Leaton's allegations. Is there any other way  
3 that you believe Mr. Urban wrongfully terminated --  
4 wrongfully interfered with your employment relationship  
5 with MBCR?

6 A. No.

7 Q. And what was it about Mr. Urban's  
8 participation in these two meetings -- and the two  
9 meetings that we're referring to are the March 26th  
10 meeting and the March 30th meeting; is that correct?

11 A. Correct.

12 Q. What was it about Mr. Urban's participation  
13 in those two meetings that you think was wrongful?

14 A. Well, for him to give credence to these  
15 ridiculous allegations made by Alison Leaton, who was --  
16 as I previously testified, has had problems with other  
17 hiring managers and her contract was not renewed, and  
18 the fact that I've known Steve Urban a long time -- he's  
19 known of my work record; he's known of my work ethic  
20 going back to Amtrak commuter rail time and even before  
21 that back to Amtrak Intercity time we worked together  
22 back as far as the late '70s -- he certainly was aware  
23 of my reputation and certainly -- you know, MBCR said  
24 they didn't do much checking of my Amtrak background.

1 Certainly -- he worked for both firms. As  
2 deputy general manager he certainly could have made an  
3 attempt to research or investigate my past record, if he  
4 didn't already know just from common work knowledge. So  
5 he could have done that, but apparently he didn't do any  
6 of that and just took these ridiculous allegations that  
7 Leaton made at face value and voted for my termination.

8 Q. Okay. I'm going back to the issue of his  
9 participation -- Mr. Urban's participation in the two  
10 March meetings. You think that -- you testified that  
11 that was wrongful -- his participation in those meetings  
12 was wrongful because he was giving credence to Alison  
13 Leaton's allegations and that he had prior knowledge of  
14 you and could have done some additional research with  
15 Amtrak to look at your prior record. Is that what you  
16 -- is that the reasons why you think his participation  
17 was wrongful?

18 A. Correct.

19 Q. Are there any other reasons why you think  
20 his participation in those two meetings was wrongful?

21 A. No.

22 Q. And what was wrongful about the manner in  
23 which he escorted you first to your office and then to  
24 your car after your termination?

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1 Q. And during the period of time after you  
2 became an MBCR employee, did you have any relationship  
3 with him outside of work?

4 A. No.

5 Q. Before you became an MBCR employee in your  
6 interactions with Mr. Urban, did he have any familiarity  
7 with your hiring practices, to your knowledge?

8 A. He might have. I have no specific  
9 knowledge of that.

10 Q. And in the course of your employment after  
11 you became an MBCR employee, approximately how  
12 frequently did you have interactions with Mr. Urban?

13 A. Maybe once every two weeks.

14 Q. And on what kinds of issues?

15 A. I'd see him at Cobble Hill on routine  
16 issues. I can't remember the exact nature of it.

17 Q. Did you enjoy a good working relationship  
18 with Mr. Urban?

19 A. I seemed to.

20 Q. Do you have any difficulties with Mr. Urban  
21 before the March 26th meeting?

22 A. Only once.

23 Q. And what was that?

24 A. Are you referring to MBCR or Amtrak?



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1 Q. While you were at Mass. Bay Commuter Rail,  
2 did you have any -- strike that.

3 Again, now I'm just focusing on the period  
4 of time when you were at Mass. Bay Commuter Rail. Did  
5 Mr. Urban ever say anything that was complimentary to  
6 you about your performance as an MBCR employee?

7 A. Not that I can recall.

8 Q. Did anybody ever tell you that Mr. Urban  
9 said anything -- did anybody ever tell you that  
10 Mr. Urban said anything that was complimentary about  
11 your performance?

12 A. Yes.

13 Q. And what was that?

14 A. Somebody told me that -- and I don't know  
15 how they -- whether it was directly from Urban or what  
16 -- that he had related that his participation in this  
17 process in terminating me was the hardest thing he ever  
18 had to do in the railroad -- in his railroad career.

19 Q. And who told you that?

20 A. It was long -- I can't remember who said  
21 that.

22 Q. And what did you understand that remark to  
23 mean?

24 A. I thought it meant that it was the hardest

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1 thing -- I thought it meant that Mr. Urban really didn't  
2 believe that was the proper action, that there should  
3 have been some action less than termination taken, some  
4 intermediary action, that it really didn't warrant  
5 terminating a 28-year railroad career.

6 Q. Did Mr. Urban ever say anything to you that  
7 was critical about your performance as an employee?

8 A. No.

9 Q. Did anybody ever tell you that Mr. Urban  
10 said anything that was critical about your performance  
11 as an MBCR employee?

12 A. No.

13 Q. Did Mr. Urban ever say anything to you that  
14 was complimentary about your hiring practices at MBCR?

15 A. No.

16 Q. Did anyone ever tell you that Mr. Urban  
17 said anything that was complimentary about your hiring  
18 practices at MBCR?

19 A. No.

20 Q. Did Mr. Urban ever say anything to you that  
21 was negative about your hiring practices at MBCR?

22 A. No.

23 Q. Did anyone ever tell you that Mr. Urban  
24 said anything that was negative about your hiring

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1 practices at MBCR?

2 A. No.

3 Q. Did you regard Mr. Urban as an approachable  
4 person, someone you could speak to if you had to?

5 A. Yes.

6 Q. Did you trust him?

7 A. No.

8 Q. Why not?

9 A. I never trusted Steve Urban. His nickname  
10 for years was Snively Whiplash. He was just not  
11 somebody that could be trusted.

12 Q. And did you ever have any experiences with  
13 him where you knew him to be untrustworthy?

14 A. Well, the dispatching incident that I  
15 alluded to earlier. But not specifically. But there  
16 was just something about him, again, that I didn't think  
17 he could be trusted.

18 Q. To your knowledge, did Mr. Urban ever lie?

19 A. Not that I can recall.

20 Q. Did Mr. Urban ever do or say anything in  
21 your presence that indicated to you that Mr. Urban  
22 wanted your employment with MBCR to end?

23 A. No.

24 Q. Did you ever learn that Mr. Urban did or

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1 said anything outside of your presence that indicated he  
2 wanted your employment with MBCR to end?

3 A. No.

4 Q. Are you aware of any reasons that Mr. Urban  
5 may have wanted your employment to end?

6 A. Only that as the deputy general manager, he  
7 reported directly to Kevin Lydon so that that's the only  
8 possible connection that if Lydon wanted me gone, Urban  
9 would do his bidding.

10 Q. Apart from Mr. Urban's role as reporting to  
11 Kevin Lydon, is there any other reason that you can  
12 think of that Mr. Urban may have wanted your employment  
13 to end?

14 A. No.

15 Q. Are you aware of any reason why Kevin  
16 Lydon may have wanted your employment to end?

17 A. Well, there's some possibilities.

18 Q. Name them.

19 A. The 401K scam that I alluded to earlier  
20 cost somebody a payday, a big payday. It came to my  
21 attention -- one reason why we were finally going  
22 through this hiring process is that we were  
23 shorthanded -- MBCR was shorthanded. There had been a  
24 freeze on hiring for the last year and a half at

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1 Amtrak. And then MBCR came on the scene.

2 Due to normal attrition, entering the  
3 winter of 2003, 2004, I had 37 fewer track department  
4 employees than I had two winters ago with Amtrak. I  
5 made this known through the normal chain of command at  
6 our snow meetings -- with my meetings with supervisor  
7 Steve Nevero.

8 And after a month nothing happened so I  
9 wrote a memo, which you have as an exhibit in front of  
10 you, from Mr. Nevero's testimony.

11 As relates to Mr. Lydon, the first  
12 snowstorm at MBCR's tenure was December 6th and 7th of  
13 2003. It snowed most of the weekend. And it  
14 degenerated into a complete fiasco where we didn't even  
15 have enough forces to go out and clean certain platforms  
16 and parking lots. And I believe the memo -- it was the  
17 worst fiasco of any snowstorm since I had been on the  
18 commuter rail.

19 And despite the fact that at Amtrak we had  
20 handled many larger storms in routine fashion because we  
21 had the proper forces, the storm was such a fiasco --  
22 including there was one fatality, incidentally. There  
23 was a B&B employee, a Mr. McTague who was killed by a --  
24 struck by a train. One contributing factor was they